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Attorney for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Anthony Arlotta, III, Individually;

Plaintiff,

vs.

Coalfield Services, Inc., a foreign
corporation; Terence Necessary and Jane
Doe Necessary, husband and wife; John
Does I-X and Jane Does I-X; Black
Corporations I-X and White Partnerships I-
X

Defendants.

CASE NO.:

NOTICE OF REMOVAL

Defendants Coalfield Services Inc. and Necessary hereby give notice that they are removing this action from Maricopa County Superior Court to the United States District Court for the District of Arizona pursuant to 28 U.S.C. §§1332, 1441 and 1446 for the following reasons:

A. This Court Has Diversity Jurisdiction Pursuant to 28 U.S.C. § 1332.

1. There is complete diversity among the parties.

(a) Plaintiff Anthony Arlotta is a resident of Maricopa County, Arizona. See, Complaint in matter no. CV2008029775, Superior Court of Arizona, Maricopa County (“Complaint”), Par. I.

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1 (b) Coalfield Services, Inc. is a Virginia corporation with its principal place of
2 business in Virginia.

3 (c) Terence and Joyce Necessary are residents of Virginia, and were at all
4 relevant times. See Complaint, Par. III.

5 (d) Therefore, the parties are citizens of two separate states and complete
6 diversity exists between them. (See U.S.C. 1332(a)(2)).

7
8 **2. The Amount in Controversy Exceeds \$75,000.**

9
10 This lawsuit arises from Plaintiff's claim for injuries and damages related to an
11 alleged collision on March 16, 2008 in Phoenix, Arizona. As outlined by Plaintiff's
12 Complaint and prayer for special and general damages, the amount in controversy exceeds
13 the \$75,000 minimum necessary for diversity jurisdiction.

14
15 **B. This Notice of Removal is Timely.**

16 Plaintiff filed his Complaint on November 24, 2008. Plaintiff served the Complaint
17 on Defendants on December 22, 2008. This Notice of Removal, therefore, is timely filed.
18 See 28 U.S.C. § 1446(b).

19
20 **C. Defendants have attached Copies.**

21 Defendants have attached copies of the original Complaint, Summons, and all other
22 court documents in its possession. See Exhibit 1.

23
24 **D. Concurrent Filing.**

25 Defendants have concurrently filed a copy of this notice with the Superior Court of
26 Arizona, Maricopa County. See Exhibit 2.

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E. Service.

RESPECTFULLY SUBMITTED this 31 day of December, 2008.

By /s/ Felice F. Guerrieri
Attorney for Defendants.

John A. Schill, Esq.
PHILLIPS & ASSOCIATES
3030 North Third Street, Suite 1100
Phoenix, Arizona 85012
Attorney for Plaintiff

By /s/ Terri Crawford